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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,044	08/01/2005	Giorgio Mari	P70417US0	5665
136 7590 08/27/2009 JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004				
EXAMINER				
CHRISTIAN, MARJORIE ELLEN				
ART UNIT		PAPER NUMBER		
1797				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### ***Response to Arguments***

Applicant argues that because BORMANN discloses filter layers with alternating hydrophilicity profiles it does not anticipate or render obvious the claims. It appears Applicant argues that MAJUREL is in a different field of endeavor or does not disclose the Applicant's invention. This is not found persuasive. As examiner has pointed out in the office action BORMANN discloses that the filter elements have different hydrophilicity characteristics (see rejection of Claims 1, 20-21, specifically Pg. 12), which anticipates or renders obvious the invention, especially in light MAJUREL. MAJUREL teaches that it is well known in the field of blood separation to have a gradient hydrophilicity profile from the inlet to the outlet. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). For the purposes of clarification, Examiner refers to the figures 1-4 in the grounds of rejection; figures 1 and 4 represent Examples 1 and 4.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARJORIE CHRISTIAN whose telephone number is

(571)270-5544. The examiner can normally be reached on Monday through Thursday 7-5pm (Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vickie Kim can be reached on (571)272-0579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Krishnan S Menon/  
Primary Examiner, Art Unit 1797

MC